

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JE* D.C.

05 JUN 16 PM 1:31

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

HOST INTERNATIONAL, INC.,)	
Plaintiff,)	
)	
v.)	Case No.: 2:05cv2143-D/P
)	
AAD: FITCH, INC., MECHANICAL)	
PLUMBING DESIGNS, CENTURY)	
CONSTRUCTION, INC. AND DAMON-)	
MARKUS,)	
Defendants.)	

SCHEDULING ORDER

Pursuant to this Court's Notice of Setting, a meeting of counsel was held on Wednesday, June 8, 2005. Present were Kathy Bailey, Nicole Reyes and Christopher Dunn, counsel for Plaintiff Host International, Inc.; Stephen Barton, counsel for Defendant AAD: Fitch; Michael Derrick, counsel for Defendant Damon-Markus and Pamela Hodge, counsel for Century Construction, Inc. Neither counsel nor a representative of Defendant Mechanical Plumbing Design was present, although Mechanical Plumbing had been notified of the meeting verbally and in writing. As a result of that meeting, the parties proposed a discovery schedule reflected in this Order. Discovery will take place according to the following schedule:

1. Initial Disclosures pursuant to Fed.R.Civ.P. 26: June 22, 2005
2. Initial report whether parties unanimously consent to proceed before a United States Magistrate Judge: July 15, 2005
3. Moving for joinder of additional Parties, Amendment of pleadings, and initial Motions to Dismiss: September 15, 2005
4. Plaintiff's Rule 26(a)(2) disclosures re experts: December 15, 2006
5. Defendants' Rule 26(a)(2) disclosures re experts: January 16, 2006
6. Plaintiff and Defendants Rebuttal Rule 26(a)(2) disclosures re experts: 30 days after receipt of expert report
7. Discovery deadline; submission of status report: March 15, 2006
8. Dispositive motions deadline: April 15, 2006
9. Trial: 30 days after decision on any dispositive motion

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for a jury trial, which is expected to last 5 days. The pre-trial order date, pre-trial conference date, and trial date will be set by the presiding judge as appropriate.

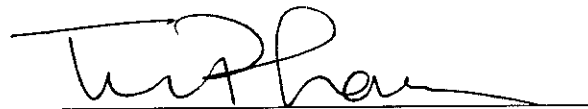
The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Tu M. Pham', written over a horizontal line.

Tu M. Pham

United States Magistrate Judge

Date: June 16, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 26 in case 2:05-CV-02143 was distributed by fax, mail, or direct printing on June 16, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT